

# COMMONWEALTH OF VIRGINIA

## VIRGINIA EMPLOYMENT COMMISSION

<b>Policy Number:</b>	<b>05-03</b>
<b>Effective Date:</b>	<b>March 23, 2005</b>
<b>Revision #:</b>	
<b>Revision Date:</b>	
<b>Title:</b>	<b>Sanctions for Insufficient Performance under the Workforce Investment Act</b>

### PURPOSE

Performance standards have been established to measure the results of programs under Title I of the Workforce Investment Act (WIA). When local workforce investment boards (LWIBs) fail to meet negotiated levels of performance, it affects the performance of the entire state. Therefore, sanctions may be applied to those LWIBs who fail to perform sufficiently for two consecutive years. This policy describes the guidelines for applying sanctions to local workforce investment boards (LWIBs) for insufficient performance in the WIA program in Virginia.

### REFERENCES

Code of Virginia, Section 9-329.1(F).

P.L. 105-220, Workforce Investment Act, Sections 136 and 502.

20 CFR Part 666.

Federal Register, Vol. 64, No. 150, Thursday, August 5, 1999, Notices. U.S. Department of Labor, Consultation Papers on Performance Accountability Under Title I of the WIA.

Training and Employment Guidance Letter No. 7-99, March 3, 2000 - Core and Customer Satisfaction Performance Measures for the Workforce Investment System.

### POLICY STATEMENT

If a LWIB fails to meet the levels of performance negotiated with the State for the core indicators of WIA program performance or customer satisfaction indicators for any program year, the WIA Division of the Virginia Employment Commission (VEC) will make technical assistance available.

Technical assistance may include any of the following:

1. The development of a performance improvement plan;
2. The modification of a local plan; or
3. Other actions designed to assist the LWIB in improving performance.

If a LWIB falls below 80% of the negotiated levels of performance for the core indicators of WIA program performance or customer satisfaction indicators for two consecutive program years, the Governor will enforce corrective actions.

These actions may include the any of the following:

1. The imposition of a reorganization plan;
2. The application of a S.W.O.T. analysis (Strengths, Weaknesses, Opportunities and Threats) strategies for determining target areas of improvement; or

3. Other actions designed to assist the LWIB in improving performance.

If overall performance is unacceptable for two consecutive years, additional sanctions may be imposed. Field Guidance Memorandum (FGM) #02-05, ***Local Sanctions for Unacceptable Performance***, outlines the procedures through which sanctions may be imposed at the local level and the process for appealing such sanctions.

**RECISIONS:** This policy replaces the portion of the rescinded policy including this topic, Policy 00-11, Continuous Improvement, Incentives and Sanctions for the Workforce Investment Act.

**APPROVED:**

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Marjorie M. Connelly, Chairperson  
Virginia Workforce Council

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Dolores A. Esser, Commissioner  
Virginia Employment Commission

**DATE:** \_\_\_\_\_